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OFFICE OF PETITIONS

In re Application of
Yrjo Suolahti
Application No. 09/783,982
Filed: February 16, 2001
Attorney Docket No. 713-390

ON PETITION

This is a decision on the petition filed October 21, 2004, under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

A "Notice of Allowance and Issue Fee Due" (Notice) was mailed to applicant on May 28, 2004, which set a three-month statutory period for paying the issue fee. As no reply was received, the application technically became abandoned on July 29, 2004.

Petitioner alleges that the Notice was never received. A review of the file record shows that the Notice was returned to the USPTO as undeliverable on July 7, 2004.

MPEP 707.13 states in pertinent part:

Office actions are sometimes returned to the Office because the United States Postal Service has not been able to deliver them. The examiner should use every reasonable means to ascertain the correct address and forward the action again, after stamping it "remailed" with the date thereof and redirecting it if there is any reason to believe that the action would reach applicant at such new address. If the Office action was address to an attorney, a letter may be written to the inventor or assignee informing him or he of the returned action. The period running against the application begins with the date of remailing. Ex parte Gourtoff, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).


It appears from the record that the examiner did not follow the instructions provided in MPEP 707.13, noted above. In view thereof, the abandonment of the application is hereby withdrawn.

According to Office records, a supplemental Notice of Allowability was mailed to applicant on June 23, 2005. However, the supplemental Notice did not restart the time period for reply.

The Office sincerely apologizes for the delay in rendering a decision on the petition. Unfortunately, the petition did not reach the appropriate deciding official timely. Any inconvenience to petitioner is regretted.

The application matter will be referred to Technology Center for remailing of the Notice of Allowance and Issue Fee Due and restarting the period for paying the issue fee.

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3223. Any inquiries regarding the remailing of the Notice should be directed to the assigned Examiner.

A handwritten signature in cursive script, reading "Marianne E. Jenkins".

Marianne E. Jenkins
Petitions Examiner
Office of Petitions